

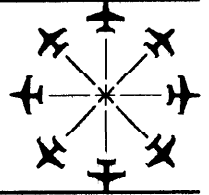


Southeastern Oklahoma State University

Department of Aerospace

P.O. Box 4136 • Durant, Oklahoma 74701-0609 • (580) 924-6886 • (580) 924-0121, Ext. 2701

"Experience the Excellence"



ORIGINAL

58056

16 June, 1999

U.S. Department of Transportation Dockets
Docket No. FAA-1999-5336,
400 Seventh St. SW
Rm. Plaza 401
Washington, DC 20590

FAA-99-5536-223

Greetings:

DEPT OF TRANSPORTATION
COMMUNICATIONS SECTION
99 JUN 16 PM 3:07

I am writing in regard to Notice of Proposed Rule Making: Security of Checked Baggage on Flights Within the United States, Docket No. FAA-1999-5336, Notice No. 99-05. I object to this proposed rule. While the objective to screen all baggage with explosive detection systems (EDS) would seem to be valid it is clear that due to both technical and cost problems that EDS equipment will not be widely available or operational in all domestic airports in the near future. Similarly, 100% bag matching prior to every domestic flight will be unwieldy, cumbersome and unpopular. Thus, the computer assisted passenger screening (CAPS) program will remain as the only viable option. This option is both unacceptable from a Constitutional perspective as well as likely being of little or no use in preventing a terrorist act.

The background of the NPRM states that the genesis for this proposal was that "the threat against civil aviation has changed and grown." The three "examples of terror" directed against U. S. civil aviation stated in the NPRM background were:

1. The Ramzi Ahmed Yousef conspiracy. As I recall, most if not all of the bombs were to be introduced into the aircraft at overseas airports, *not* at domestic airports.

2. The detonation aboard American flight 444 attributed to Theodore Kaczynski. This bomb was in the U. S. Mail and was not specifically targeted at the aircraft. This certainly raises questions about the carriage of hazardous cargo (as with Value Jet) but has nothing to do with domestic terror aimed at U. S. carriers.

3. The TWA 800 explosion. The NPRM background admits that both the FBI and the NTSB have determined that this was not an act of terror and yet it is still used to elicit a sense of fear among readers.

So where is the proof that "the threat against civil aviation has changed and grown"? If these three "examples" are the best the FAA can come up with to demonstrate this heightened threat then I remain skeptical.

My next comments concerns the use of profiles to direct the search of baggage. Profiling has certainly been in the public eye recently. There is now a large body of evidence that the profiles use by local police to stop suspected drug couriers are so broad as to include virtually everyone. This has resulted in people being stopped for “driving while Black” or DWB. Will the FAA approved computer based profiles be any more specific? Or will we enter a new age where FWB or FWA (flying while Black or Arab) becomes reason to stop and search someone?

Since the criteria used to determine who is suspect is classified the public is unable to determine the true efficacy of this profiling for themselves. However, since the total number instances of actual domestic terrorism directed at U.S. carriers represent such a minuscule fraction of the total number of flights flown how can a realistic profile be created? There is simply not enough data on actual domestic terrorists who have targeted U.S. civil aircraft to make any reasonably accurate assessment of what characteristics define a real suspect. I suspect that the profile is more likely the result of substantial guesswork and will unfairly burden those of Middle-Eastern descent or those with innocent but “suspect” names, destinations or travel habits.

Finally, I find this statement in the notice to be completely ludicrous:

In addition, random selection helps to ensure passengers’ civil liberties by guaranteeing that no individual or group of individuals is excluded from the selection process.

This is tantamount to stating that the government may violate any minority group’s Constitutional rights as long as they also randomly select additional people from the population at large to victimize. I’m sure Abner Louima would have felt much better knowing that some whites were randomly selected for police beatings and rape with a plumbers helper. The violation of the Fourth Amendment rights of any group is not rectified by violating the rights of others at random. This is utter nonsense!

I fear that this proposed rule will do little more than reassure the public that something is being done while at the same time it will erode our civil liberties. I strongly urge you to reject this proposed rule.



Stanley J. Alluisi, Ed.D.

Assistant Professor

Southeastern Oklahoma State University